REMARKS

As an initial matter, Applicants thank the Examiners for the courtesies extended to Applicants' attorney during the recent Examiner Interview on January 27, 2004 and for the acknowledgement that the proposed clarification on the definition of ancillary medical procedures and costs would allow the claims to even more clearly define over the applied prior art, namely Freeman (U.S. Patent No. 6,012,035) and the two articles by Segal/Wang and Glass et al. respectively. Accordingly, without prejudice as to patentability, including the doctrine of equivalents, Applicants have further clarified these related definitions in Claims 1-8, 10, 12-13, 19, 25-26, 30-32, 35, 37, 41, 46-47, 53, and 55. These amendments are fully supported in the specification and drawings as originally filed, and no new matter has been added.

In the Final Action, the Examiner rejected Claims 37 and 46-49 under 35 U.S.C. § 102 as being anticipate by Freeman and rejected Claims 1-36, 38-45, and 50-56 under 35 U.S.C. § 103 as being unpatentable over Freeman in view of either Segal/Wang alone or in further combination with Glass et al. As discussed during the interview, none of these patent documents alone or in combination teach or suggest all of the elements of the claimed invention, including the ancillary medical procedures, and there is no motivation to combine these patent documents. For example, Freeman describes a cooperative healthcare system having a bank, a provider or physician group, an insurance company, and a cooperative management service. Segal/Wang describes a physician prescribing and patient education study, and Glass et al. describes a physician productivity influencing model to increase the number of patients seen by a physician. Clearly, there is no motivation or suggestion to combine such disparate teachings in these patent documents to somehow by improper hindsight arrive at the claimed invention, and each of these alone, and in combination, fails to teach or suggest the claimed invention. Therefore, Applicants respectfully submit that the claimed invention is novel, non-obvious, and defines over the cited art.

CONCLUSION

In view of the clarifying amendments and remarks, Applicants submit that the present invention is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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